ted on in the hope that it might help some other children in the future. So, it would seem that you cannot morally get there from here.

The second argument intended to show that parental partiality justifies xenograft says that if you refuse to use the animal's heart, it will cost the child's life but may not save the animal's life.

It is true that your decision not to use an animal's heart probably will not save the life of the animal. The animal in an organ donor lab will die if your child gets his/her heart; he/she may not die otherwise, though he/she probably will. But it is not true, as the argument implies, that you are choosing between a child's life and an animal's life. The child will die if he/she gets the animal's heart, and he/she will die if he/she does not.

The third argument is that death is a greater harm to a child than to a baboon. Once again, what is implied is that one is making a choice between the child's life and the baboon's life which, as I have just shown, is not the case. For that reason, any assumptions about comparable worth are moot.

The fourth argument is this: If a parent rejects xenograft, he/she has sacrificed parental partiality to impartial reason, but if a parent accepts xenograft, he/she can have it both ways, because he/she can exercise parental partiality through xenograft and impartiality by individually pushing for reform in medical research.

This does not seem to me to be an argument to show that parental partiality justifies xenograft. Rather, it is a meta-argument for philosophers interested in moral and logical consistency. It is clever, but I do not think it is germane to the question whether parental partiality justifies xenograft.

In conclusion, then, I do not think a good parent would choose xenograft for his/her child. Given the fact that xenograft is not a life-saving alternative and given a parent's responsibility to protect his/her child from unnecessary harm, I think a good parent would not choose xenograft for his/her child. The choice of xenograft would be immoral because it would cause unnecessary pain and suffering for the child and unnecessary death for the animal.

CONCERNING THERAPEUTIC (FOR HUMANS) RESEARCH WITH ANIMALS: A RESPONSE TO NELSON'S "XENOGRAFT AND PARTIAL AFFECTIONS"

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As Jim Nelson correctly and poignantly indicates, even those who are deeply concerned about the moral respect due animals and who are actively trying to eradicate the human abuse of animals can feel that they are confronting a moral dilemma when confronting uses of animals which seem obviously beneficial for the health and even the very life of humans. This is especially true when those humans are, like children, dependent on them for their care and well-being. Any moral theory which failed to recognize that there is a morally significant difference between such cases and cases where animals are exploited for marginal or trivial purposes--as in rodeos, sport hunting, gourmet cooking, and a great deal, if not all, psychological research employing animals--could justifiably be considered doctrinaire. Discovering what ought to be done in such cases requires untying a tough knot, not slicing through it. This is, I take it, what Nelson is about in his paper.

The cornerstone of Nelson's argument is that parents are morally justified in giving preference to their children over others. I would not dispute that; I think that any moral theory which would have us deal with all sentient beings on a thoroughly impartial, egalitarian basis is not only thoroughly impractical but also unwarranted and undesirable. However, as Nelson recognizes, there are moral limits to what parents may do for their children. That one needed the money to pay for his/her child's education would not justify his/her stealing and cashing a neighbor's winning lottery ticket. So, further reasons, beyond parents' affection

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for their children, can be needed to justify parents' acting on such "partial affections." Toward the end of his paper, Nelson gives us four reasons for why parents could be morally justified in seeking to have healthy animals killed in order to donate organs for their unhealthy children:

> this is the only way to save the child's life,
>
> refusing the operation may not save the animal's life but will definitely save the child's life,
>
> it is plausible that death is a greater harm to the child than to the donor animal, and
>
> by seeking to ameliorate the condition of animals in other areas, parents can balance their special parental responsibilites with their impartial obligations to all sentient beings.

Nelson recognizes that these reasons could also be cited as justification for using severely retarded but otherwise healthy human children as organ donors, but he adds that to use such children as donors would compound the tragedy of their having been born retarded, something which cannot be said of so using healthy animals.

I think that it is instructive that Nelson concludes his paper by seeking to close the door on using the retarded--or other "marginal" humans--as subjects of what appears to be clearly beneficial medical research. His intuition, and it is the common one, seems to be that "it is all right to do these sorts of things to animals but not to humans," and what he is seeking in this paper, and the previous one to which he alludes, is justification for this intuition. His worry, and again it is the common one, at least in the philosophical literature on the subject, is that there might not be moral justification for putting these marginal people on the human side of that intuition. Finally, the way Nelson here expresses the tragedy of these marginal cases--"becoming the psychological equals of animals"--expresses the real motor of his intuition and his paper: the lives of animals are just not worth as much as those of humans.

Having analyzed Nelson's argument, let us now evaluate it. First, consider the first, second, and fourth of Nelson's reasons supporting xenografts. It is simply false that xenografts are the only available procedure for saving the lives of afflicted children. In the case of hypoplastic left heart syndrome, there is other surgical therapy available. In the case of pharmaceuticals, there are other ways of testing their toxicity. These alternatives, as they presently exist, may not be as reliable by themselves as is a combination of them and animal tests, but this is just a matter of degree, since even with animal tests, disasters like thalidomide can occur. Purchasing an incremental increase in safety at the cost of exploiting millions of animals is not obviously morally acceptable. Also, continuing to use animals in such research and testing may actually be an obstacle to developing and refining alternative procedures. Consequently, Nelson's first consideration is far from weighty.

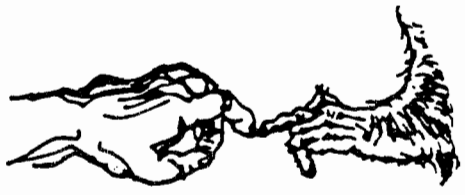
Nelson's second reason, that the research animal may be killed anyway, is a case of the common excuse "if I didn't do it, someone else would have," which is employed by businessmen offering bribes, politicians selling their votes, and dealers selling drugs to children. Recognizing that the animal may be killed anyway should lead the "concerned individual" Nelson has in mind not to stop at refusing to participate in xenographic research but to work to stop such research, and other exploitive research, as well.

Nelson's fourth reason, that refusing the operation would not allow parents to balance parental and impartial obligations, is again mistaken. Parents can pursue fulfilling their parental obligations by seeking alternative therapies and by making life as happy as possible for their children while they are alive. To conclude that certain

kinds of research which might benefit one's child would, unfortunately, involve a gross injustice to others and, therefore, should not be done is not to turn one's back on his/her child. Doing the best for one's child within the limitations imposed by being fair to others is one way of balancing parental and impartial obligations.

The weakness of these three reasons seems so clear when they are considered in isolation from Nelson's third reason--that death may be a greater harm to a human than to an animal--that it must be this third reason which is carrying the burden of proof here. However, earlier in his paper, Nelson acknowledges that there are serious difficulties in trying to substantiate this claim to greater value for human life. He there concludes that this leaves us with an inconclusive relativism, but that is not the case. In doing painful, lethal research with animals, we are clearly adding to the burden of suffering and exploitation in the world. Unless this contribution to the negative side of the moral ledger can be justified, such research ought not to be done. Consequently, if showing that human life is morally more valuable than animal life is necessary to meet this burden of proof and if that claim of greater worth cannot be justified, then we are not left with relativism; we are left with the conclusion that we ought not to be exploiting animals in research.

Thus, while I do appreciate Nelson's recognition of the moral complexities surrounding therapuetic (for humans) research and testing which exploits animals and his attempt to give due concern to parents and their feelings as well as to animals and their needs, I still think that the core issue is that of the relative moral worth of animal and human life and that unless our anthropocentric assumption that we are worth more than they are can be morally justified, such research with animals is immoral and should not be participated in by people who are concerned to do what is morally right.



RESPONSE

JIM NELSON

I am grateful to Will Aiken, Connie Kagan, and Steve Sapontzis for their willingness to work through my paper with such care; I have learned a good deal about my topic by attending to their remarks.

One thing I learned is that my paper needs to be clearer: I find that I am sometimes taken to be making assertions when I am actually arguing hypothetically, that I am taken to be making one kind of comparison between human and non-humans when I am in fact making quite a different comparison, and especially, that the particular conditions under which I am portraying xenograft as justifiable are misunderstood. I cannot sort all this out in the space alotted this rejoinder, but I will try to be a bit plainer on some of these points.

Sometimes the word "xenograft" appears in my paper as the name of an experimental medical procedure that occupies a place in the actual world: this procedure is frought with ethical difficulties of many kinds, in large part because it has so little therapeutic value. At other points in my paper, the word is used to refer to a hypothetical procedure that has great--and in some instances, unique--therapeutic value. Shifting to this possible world allows a particular subset of the moral concerns occasioned by xenograft to arise. It also suggests analogies between xenograft and less recherche kinds of medical therapies which also exploit animals.

Thus, when Steve Sapontzis says that "it is simply false that xenografts are the only available procedure for saving an infant's life," he's questioning what I'm taking to be a stipulation; likewise, when Connie Kagan says that "xenograft does not save children." I am exploring the moral dimensions of a situation in which surgical responses to HLHS are as inadequate as they actually are, in which there is no cadaver which happens to

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